U.S. DISTRICT COURT

SEP 18 2013

BY
DEPLOY

## UNITED STATES DISTRICT COURT EASTERN DISTRICT OF TEXAS SHERMAN DIVISION

DAVID E. MACK,

**Plaintiff** 

٧.

CAPITAL MANAGEMENT SERVICES, L.P.

Defendant

CIVIL ACTION NO. 4:12-CV-314

**Jury Demand** 

## STIPULATION OF DISMISSAL WITH PREJUDICE

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Pursuant to Fed. R. Civ. P. 41 (a)(1)(ii) Plaintiff, DAVID E. MACK ("Plaintiff"), and Defendant, CAPITAL MANAGEMENT SERVICES, LP ("Defendant"), file this Stipulation of Dismissal with prejudice, and respectfully requests the Court to order the following:

- 1. DAVID E. MACK is the only plaintiff.
- 2. CAPITAL MANAGEMENT SERVICES, LP is the only defendant.
- 3. Plaintiff no longer wishes to pursue this matter; therefore, Plaintiff moves to dismiss all claims asserted against Defendant with prejudice. Defendant, who has answered, agrees to the dismissal.
- 4. This case is not a class action, and a receiver has not been appointed.
- 5. This action is not governed by any statue of the United States that requires an order of the court for dismissal of this case.
- 6. Plaintiff has not dismissed an action based on or including the same claim or claims as those presented in this suit.
- 7. Plaintiff, DAVID E. MACK, and Defendant, CAPITAL MANAGEMENT SERVICES, LP, respectfully request the Court to dismiss, with prejudice, all

claims asserted against Defendant CAPITAL MANAGEMENT SERVICES, LP in the above-captioned proceeding, pursuant to Fed. R. Civ. P. 41(a)(1)(ii).

DATED: 18 day of Septembag13

Respectfully submitted,

By: David E. Mack 7720 McCallum Blvd. #2099 Dallas, TX 75252

(972) 735-9642 Telephone PLAINTIFF <u>PRO SE</u>

By:/s/Kandy E. Messenger
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CAPITAL MANAGEMENT
SERVICES, LP

## **CERTIFICATE OF SERVICE**

The undersigned does hereby certify that on the day of Septem 2013, a true and correct copy of the foregoing was served by regular mail via the United States Postal Service and email on the following:

Kandy E. Messenger 2211 Norfolk Suite 1150 Houston, Texas 77098 Via Email: (messenger@sprottrigby.com)

Via Regular Mail

David E. Mack